

EXHIBIT 164

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

IN RE: *
*
24 HOUR FITNESS * Chapter 11
WORLDWIDE, INC., ET AL., *
Debtors. * Case No.: 20-11558 (KBO)
*
* (Jointly Administered)
*
24 HOUR FITNESS *
WORLDWIDE, INC., *
Plaintiff, *
*
VS. * Adv. Proc. No. 20-51051 (KBO)
*
CONTINENTAL CASUALTY *
COMPANY, ET AL., *
Defendants. *

ORAL AND VIDEOTAPED DEPOSITION OF ODELL BRADLEY

VOLUME 1

MAY 27, 2022

(Reported Remotely)

1 ORAL AND VIDEOTAPED DEPOSITION of ODELL BRADLEY,
2 produced as a witness at the instance of the Plaintiff,
3 and remotely duly sworn, was taken in the above-styled
4 and numbered cause on May 27, 2022, from 11:00 a.m. to
5 4:25 p.m., before Carol Jenkins, CSR, RPR, CRR, in and
6 for the State of Texas, reported by machine shorthand,
7 with the Witness in Dallas, Texas, pursuant to the
8 Federal Rules of Civil Procedure, the Emergency Order
9 Regarding the COVID-19 State of Disaster, and the
10 provisions stated on the record or attached hereto.
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1 before?

2 A. Yes.

3 Q. And do you recall having thought about what
4 would need to be shown in order to establish the
5 presence of and the spread of communicable diseases
6 under this section?

7 MR. INGERMAN: Objection, asked and
8 answered.

9 You can answer it again.

10 A. No. And because I never had enough information
11 to make a decision.

12 Q. (By Mr. Weiss) Okay. And when you say you
13 never had enough information to make a decision, what
14 type of information were you looking for?

15 A. To reflect back, some of the questions that we
16 sent out to the insured were not answered.

17 Q. If the insured had said that somebody with
18 COVID was at a location, would that indicate that there
19 was a presence of COVID at the location?

20 MR. INGERMAN: Form, and calls for
21 speculation.

22 You can answer.

23 A. No.

24 Q. (By Mr. Weiss) Okay. So what would you need
25 to see in order to demonstrate to you that there was the

1 see that the -- that this entry continues on to page 13
2 and then goes over to page 14. And then if we could
3 look at page 14, at the very end there's a sentence that
4 said -- from you that says: Emailed the market to
5 request engagement of coverage counsel moving forward,
6 pending response.

7 Do you see that?

8 Oh, you're on mute.

9 A. Yes, I do see it.

10 Q. All right. Why did you email the market to
11 request the engagement of coverage counsel in connection
12 with market report No. 7?

13 A. I do not recall at this time.

14 Q. Do you recall emailing the market to request
15 the engagement of coverage counsel?

16 A. Based on the notes in front of me, yes.

17 Q. Do you remember what you wanted coverage
18 counsel to evaluate?

19 A. I do not recall.

20 Q. Did you have any internal discussions at CNA
21 about engaging coverage counsel around this time?

22 A. I do not recall.

23 Q. All right. All right. Let's mark as
24 Exhibit 14 some -- the series of emails. The first one
25 is July -- the first one on the page is July 1st, 2020,

1 at 1:56 p.m. from Andrea Matott at Beazley. The Bates
2 number that I have is CNA 1403 and 1406.

3 MR. WEISS: And for the court reporter,
4 this is document No. 15.

5 (Exhibit 14 marked.)

6 Q. (By Mr. Weiss) Do you have this in front of
7 you, Mr. Bradley?

8 A. Yes.

9 Q. And if you could turn to the second page of the
10 exhibit, there's an email from you dated June 25th,
11 2020, at 11:57 a.m. to Mike Allen and various other
12 people.

13 Do you see that?

14 A. June 25th?

15 Q. Yeah.

16 A. 11:57?

17 Q. Yeah.

18 A. Yes, I do see that.

19 Q. Okay. Do you remember who some of these people
20 were? Let's go through them. Kimberly James from
21 Samp -- from Sompo, it looks like?

22 A. Correct. I don't recall who each individual is
23 on -- on the market.

24 Q. Okay. Then in your email, you wrote: After
25 further review of endorsement for interruption by

1 communicable disease, I believe it is best to engage
2 coverage counsel moving forward.

3 Do you see that?

4 A. Yes.

5 Q. And do you believe that this is the email that
6 is referred to in the claim notes that we were just
7 looking at for the same date, June 25th, 2020?

8 A. It appears so.

9 Q. And then you include some of the language from
10 the communicable disease endorsement, and you wrote:
11 There seems to be a good chance business interruption
12 coverage will be triggered. I think we all agree.

13 Do you see that?

14 A. Yes.

15 Q. And so by this -- this point in June of 2020,
16 you had already received a number of rounds of responses
17 to information requests from the insured that we've
18 looked at, correct?

19 A. Yes.

20 Q. Okay. And you've already had a number of calls
21 with the market by this point; is that right?

22 A. Yes.

23 Q. And your comment that there seems to be a good
24 chance business interruption coverage will be triggered
25 was based upon your analysis of the information that had

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REPORTER'S CERTIFICATE

DEPOSITION OF ODELL BRADLEY

MAY 27, 2022

I, CAROL JENKINS, Certified Shorthand Reporter in and for the State of Texas, hereby certify that this transcript is a true record of the testimony given by the witness named herein, after said witness was duly sworn by me.

I further certify that the deposition transcript was submitted on _____, _____ to the witness or to the attorney for the witness for examination, signature, and return to me by _____, _____.

1 I further certify the amount of time used
2 by each party at the deposition is as follows:

3 Mr. David E. Weiss - (04h16m)

4 Mr. Brett Ingerman - (00h02m)

5 Ms. Courtney Murphy - (00h00m)

6 Mr. Austin Westergom - (00h00m)

7 Ms. Marlie McDonnell - (00h00m)

8 Mr. Joel L. McNabney - (00h00m)

9 Ms. Elizabeth Kniffen - (00h00m)

10 I further certify that I am neither
11 attorney nor counsel for, related to, nor employed by
12 any of the parties to the action in which this testimony
13 was taken. Further, I am not a relative or employee of
14 any attorney of record in this cause, nor do I have a
15 financial interest in the action.

16 SUBSCRIBED AND SWORN TO by the undersigned
17 on this the 3rd day of June, 2022.

18
19 

20 CAROL JENKINS, CSR, RPR, CRR
21 Certificate No. 2660

22 Date of Expiration: 8/31/2023

23 Nell McCallum & Associates, Inc.

24 Firm Registration No. 10095

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